

REMARKS

Reconsideration of the Final Office Action of April 06, 2007, the Advisory Action of July 11, 2007 and the Advisory Action of August 21, 2007 is respectfully requested in conjunction with the associated RCE filing. Included with this Amendment is a two month Petition for Extension of Time and associated fee. Also included with this Amendment is an Interview Request.

To summarize the claim changes, claims 4, 8, 12 and 33 are canceled and dependent claims 34 and 35 as well as independent claims 36 and 37 are newly added, while all other claims remain as presented in the Amendment preceding the August 3, 2007 Amendment.

No new matter is considered to be introduced by these amendments.

New dependent claims 34 and 35 are supported, for example, on page 49, line 2 to page 50, line 3 and new independent claims 36 and 37 are supported, for example, on pages 46 to 51.

The Remarks presented in the June 27, 2007 Amendment and in the August 3, 2007 are incorporated by reference (except those pertaining to the 35 U.S.C. 112 rejections, which rejections were noted as having been removed in the Advisory Action). The incorporated remarks include those earlier presented in rebuttal of the obviousness rejection based on Rodrigues et al (US 6,047,231) in view of Ozaki et al (US 2002/0005077) as well as the following new comments made in response to the Advisory Action commentary:

The Advisory Action of July 11, 2007 includes an indication that the secondary reference of Ozaki et al discloses “a final clutch torques in association with a ration coefficient value which changes according to tire diameter difference”.

The Advisory Action does not indicate where in Ozaki et al’s disclosure this teaching is found. Referring back to the Office Action mailed on April 06 2007, there is indicated that Ozaki et al teaches “a final clutch torque computing unit for computing a final clutch torque, wherein the final clutch torque computing unit computes the final clutch torque by a computation involving the first clutch torque and the second clutch torque in association with a ratio coefficient value which ratio coefficient value changes according to the diameter

difference of the tire so as to suppress a wheel slippage (sections abstract, 0021, 0025, 0031, 0054, 0057, 0063-0080; figs, 1-4, 8-13)"

Applicants have reviewed the above mentioned sections of the "abstract, 0021, 0025, 0031, 0054, 0057, 0063-0080; figs, 1-4, 8-13" in Ozaki and have failed to locate any disclosure or suggestion of a computation involving the first clutch torque and the second clutch torque in association with a ratio coefficient value which ratio coefficient value changes according to the diameter difference of the tire".

In other words, there is not seen any disclosure or suggestion of a computation involving a ratio coefficient value which ratio coefficient value changes according to the diameter difference.

As mentioned in the Amendment submitted on June 27, 2007, Ozaki discloses, in the synthesizing unit 105, the feedback command value for the assist clutch transmission torque supplied from the assist clutch transmission torque FB command setting unit 104 is added to the assist clutch transmission torque FF command value supplied from the assist clutch transmission torque FF command setting unit 102. An assist clutch command value for controlling the assist clutch 25 is generated thus, and supplied to assist clutch drive device 28 (See paragraph [0064], Fig. 2).

Thus, Ozaki simply adds the assist clutch transmission torque "FB" and the assist clutch transmission torque "FF" and obtains the final assist clutch torque to be supplied to the assist clutch 25. There is lacking any disclosure or suggestion in Ozaki of

- a7-1) a diameter difference of tire, in conjunction with;
- a7-2) a ratio coefficient value changes according to the diameter, and
- a7-3) a final clutch torque by a computation involving the first clutch torque and the second clutch torque in association with the ration coefficient value.

In view of this, in the absence of a conclusion of allowability, Applicants respectfully submit that there be provided a discussion as to how Ozaki is deemed to disclose “a computation involving the first clutch torque and the second clutch torque in association with a ratio coefficient value which ratio coefficient value changes according to the diameter difference of the tire so as to suppress a wheel slippage”. However as a review of the noted portions of Ozaki is considered not to disclose or suggest the features relied upon in the rejection of the claims, Applicants respectfully submit that Rodrigues, as modified by Ozaki, fails to teach or suggest the features of the claimed invention.

Dependent claim 3

Regarding dependent claim 3, Examiner states Rodrigues (abstract, figs. 1-4; col. 2, lines 54 to col. 3, lines 1-40; col. 4-9) in view of Ozaki discloses the differential limiting control apparatus as set forth in claim 1, wherein the final clutch torque computing unit reduces the ratio coefficient value associated with said second clutch torque and increases the ratio coefficient value associated with said first clutch torque as the diameter difference of the tire increases, in the Final Office Action of April 06, 2007, page 5, lines 17-22.

Applicants have reviewed the above mentioned sections of the “abstract, figs. 1-4; col. 2, lines 54 to col. 3, lines 1-40; col. 4-9” in Rodrigues and have failed to locate any disclosure or suggestion of the final clutch torque computing unit reduces the ratio coefficient value associated with said second clutch torque and increases the ratio coefficient value associated with said first clutch torque as the diameter difference of the tire increases. These sections (abstract, figs. 1-4; col. 2, lines 54 to col. 3, lines 1-40; col. 4-9) are same as that Examiner indicated as a disclosure regarding claims 2, 4-12, 26, 29-30, 33). The features of claims 2, 4-12, 26, 29-30, 33, however, are different from that of claim 3. It is therefore

respectfully submitted that the features of claims 2, 3, 4-12, 26, 29-30, 33 are not disclosed or suggested in this same section of Rodrigues.

Applicants respectfully request there be set forth where (by page and line or paragraph number) in the specification of the applied references there is support for the feature of Applicants' invention as claim 3.

In view of this, Applicants respectfully submit that independent claim 1 and the dependent claims are patentable.

Also, independent claims 36 and 37 are respectfully submitted not to be disclosed or suggested by the applied references. For example, claims 36 and 37 include the feature of a clutch torque computing unit receiving a tire diameter difference value combined with the first and second clutch torques and where the computation involves a ratio coefficient value (claim 36) or a computation involving the first clutch torque and a first weighting value associated with the tire diameter difference value and the second clutch torque and a second weighting value associated with the tire diameter difference value (claim 37).

Based on the foregoing it is respectfully submitted that the application as a whole stands in condition for allowance. Attached herewith is an Interview Request to further discuss the above-described features and differences with a representative of the Assignee at a time convenient to the Examiner.

Also, if any fees are due in connection with the filing of this amendment, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account 02-4300; Order No.032405R156.

Respectfully submitted,

SMITH, GAMBRELL & RUSSEL, LLP


Dennis C. Rodgers, Reg. No. 32,936
1850 M Street NW – Suite 800
Washington, DC 20036
Telephone : 202/263-4300
Facsimile : 202/263-4329

Dated: September 6, 2007